

DRAFT
A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS
WAS HELD AUGUST 11, 2005 AT 11:00 A.M. IN WARRENTON, VIRGINIA

P R E S E N T Mr. Raymond E. Graham, Chairman; Mr. Harry F. Atherton, Vice-Chairman;
 Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling;
 Mr. Paul S. McCulla, County Administrator; Mr. Kevin Burke, County
 Attorney

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

**A WORK SESSION TO REVIEW THE VIRGINIA DEPARTMENT OF
TRANSPORTATION (VDOT) SIX-YEAR IMPROVEMENT PROGRAM AND COUNTY
TRANSPORTATION PRIORITIES**

Morteza Salehi, District Administrator for the Culpeper District of the Virginia Department of Transportation (VDOT), discussed with the Board of Supervisors Fauquier County transportation priorities; the need for coordination between VDOT, neighboring counties and towns; project funding options; and effective use of the VDOT Six-Year Improvement Program.

**A WORK SESSION TO REVIEW THE FISCAL YEAR 2006 PROGRAM PLAN FOR
RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD FISCAL AGENT
AUTHORIZATION**

Brian Duncan, Executive Director of Rappahannock-Rapidan Community Services Board Area Agency on Aging (RRCSB-AAA), presented the 2006 Program Plan for RRCSB-AAA operations, and asked the Board of Supervisors to consider approving a resolution to authorize the RRCSB-AAA to act as its own fiscal agent.

**A WORK SESSION TO DISCUSS ADDITIONAL FUNDING FOR HEATING,
VENTILATION AND AIR CONDITIONING (HVAC) MECHANICAL SYSTEMS OF
LIBERTY HIGH SCHOOL AND FOR THE RENOVATION OF CLAUDE THOMPSON
ELEMENTARY SCHOOL**

Bryan Tippie, Budget Director, provided an overview of various renovation elements and related funding requirements for repair of the HVAC mechanical systems at Liberty High School and for the renovation of Claude Thompson Elementary School.

**A WORK SESSION TO CONTINUE DISCUSSION ON THE BUSINESS,
PROFESSIONAL AND OCCUPATION LICENSE TAX AND CONSIDER AMENDING
THE BOARD OF SUPERVISORS' LEGISLATIVE PRIORITIES**

Ross D'Urso, Commissioner of the Revenue, provided additional information regarding the Business, Professional and Occupation License tax.

A CLOSED SESSION FOR CONSIDERATION OF SALARY SUPPLEMENTS FOR SPECIFIC ELECTED OFFICIALS BEING THE FAUQUIER COUNTY CONSTITUTIONAL OFFICERS

Mr. Graham moved to go into a closed meeting, pursuant to §2.2-3711(A)(1) of the Code of Virginia, for consideration of salary supplements for specific elected officials being the Fauquier County Constitutional Officers. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

Ayes: ***Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling***
Nays: ***None***
Absent During Vote: ***None***
Abstention: ***None***

Upon reconvening from the closed meeting, Mr. Graham moved to adopt the following certification. The motion was seconded, and the vote for the motion was unanimous as follows:

Ayes: ***Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling***
Nays: ***None***
Absent During Vote: ***None***
Abstention: ***None***

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 14th day of July 2005, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

The meeting was reconvened in Regular Session at 6:30 P.M.

ADOPTION OF THE AGENDA

Mr. Atherton moved to adopt the agenda, with the following changes. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

- Remove regular agenda item #12, A Resolution Directing the County Administrator to Schedule a Public Hearing on the Proposed Rezoning of Four Acres of Land Currently Owned by Jeffrey D. and Mary E. Lippincott, More Particularly Described as PIN #7916-10-1466, from Residential-1 (R-1) to Commercial (C-1), Scott District, and add as consent agenda item “n”.
- Remove regular agenda #15, A Resolution to Establish Salary Supplements for the Fauquier County Constitutional Officers, and add as consent agenda item “o”.

CITIZENS’ TIME

- Jay Van Gelder, Cedar Run District, Chairman of the Fauquier County School Board, stated that the County’s Debt Referendum Policy creates unnecessary controls, construction delays, and increased costs, and he requested that the Board of Supervisors consider abolishing the Policy.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Graham presented to Tom Harris, of Fauquier CADRE, Inc., A Proclamation Declaring the Fourth Monday in September as Family Day in Fauquier County.

CONSENT AGENDA

Mr. Atherton moved to adopt the following consent agenda items. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

Approval of the Minutes for the July 14, 2005 Regular Meeting of the Fauquier County Board of Supervisors

A Resolution to Authorize the County Administrator to Execute the Declaration of Restrictive Covenants for the Northern Sports Fields Complex and Community Park

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE THE DECLARATION OF RESTRICTIVE COVENANTS FOR
THE NORTHERN SPORTS FIELDS COMPLEX AND COMMUNITY PARK PROPERTY

WHEREAS, Fauquier County owns a parcel of property in the Scott Magisterial District upon which it intends to develop the Northern Sports Fields Complex and Community Park; and

WHEREAS, a wetlands of approximately 9.5 acres exists on said property; and

WHEREAS, the U.S. Army Corps of Engineers (USACE) and Virginia Department of Environmental Quality (DEQ) require that restrictive covenants be placed against the 9.5 acres of wetlands promising to maintain the wetlands in perpetuity in its natural state; and

WHEREAS, *Code of Virginia* § 15.2-1800.B (ii) allows Fauquier County to convey a site development easement without the necessity of a public hearing; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2005, That the County Administrator be, and is hereby, authorized to execute the easement for the preservation of wetlands found in the Declaration of Restrictions, in a form substantially similar to the July 12, 2005 draft from the USACE, subject to such modifications as are acceptable to the County Administrator and County Attorney.

A Resolution Authorizing the County Administrator to Advertise a Public Hearing to Consider a Proposed Amendment to Chapter 8, Article XV, Special Service Districts, to Add Mountain Shade Subdivision to the District

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A
PUBLIC HEARING TO CONSIDER A PROPOSED AMENDMENT TO CHAPTER 8,
ARTICLE XV, SPECIAL SERVICE DISTRICTS, TO ADD MOUNTAIN SHADE
SUBDIVISION TO THE DISTRICT

WHEREAS, on March 18, 2002, the Fauquier County Board of Supervisors established the Marshall Electric Power and Light Service District; and

WHEREAS, the Board wishes to obtain public comment upon a proposed amendment to the District to add Mountain Shade Subdivision to the District; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2005, That the County Administrator be, and is hereby, authorized to schedule a public hearing on a proposed Ordinance amendment adding Mountain Shade Subdivision to the Marshall Electric Power and Light Service District.

A Resolution Authorizing the Application and Acceptance of Grant Funds and the Award of a Bid for Site Work for T-Hangar #4 at the Warrenton-Fauquier Airport

RESOLUTION

A RESOLUTION AUTHORIZING THE APPLICATION AND ACCEPTANCE OF GRANT FUNDS AND THE AWARD OF A BID FOR SITE WORK FOR T-HANGAR #4 AT THE WARRENTON-FAUQUIER AIRPORT

WHEREAS, on April 14, 2005, the Board of Supervisors authorized a lease agreement with Essar Aviation, LLC, for the construction of a fourth T-Hangar at the Warrenton-Fauquier Airport; and

WHEREAS, application has been made to the State Department of Aviation for funding for the site improvements associated with T-Hangar #4; and

WHEREAS, Fauquier County requested bids for the site work for the T-Hangar, and the low bid was submitted by General Excavation, Inc., in the amount of \$719,935; and

WHEREAS, the lease agreement requires Essar Aviation, LLC to provide the local share of a State grant for the site work associated with the T-Hangar construction; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2005, that the Deputy County Administrator be, and is hereby, authorized to execute grant agreements supporting this project; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to execute a contract with General Excavation, Inc. in the amount of \$719,935 subject to the approval of grant funding by the Virginia Department of Aviation.

A Resolution to Authorize the County Administrator to Schedule a Public Hearing to Obtain Citizen Input Concerning a Revision of Fauquier County Code Section 4-26

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO OBTAIN CITIZEN INPUT CONCERNING A REVISION OF FAUQUIER COUNTY CODE SECTION 4-26

WHEREAS, Code of Virginia § 3.1-796.93:1, the enabling legislation for localities to enact a dangerous dog Ordinance, was amended; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2005, That the County Administrator be, and is hereby, authorized to schedule a public hearing to obtain citizen input regarding the revision of Fauquier County Code Section 4-26.

A Resolution to Authorize the County Administrator to Schedule a Public Hearing to Obtain Citizen Input Concerning a Revision of Fauquier County Code Sections 13-1 and 13-24

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO SCHEDULE A PUBLIC HEARING TO OBTAIN CITIZEN INPUT CONCERNING A
REVISION OF FAUQUIER COUNTY CODE SECTIONS 13-1 AND 13-24

WHEREAS, there were changes to the enabling legislation authorizing localities to enact motor vehicle and traffic Ordinances; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2005, That the County Administrator be, and is hereby, authorized to schedule a public hearing to obtain citizen input regarding the revision of Fauquier County Code Sections 13-1 and 13-24.

A Resolution to Authorize Re-titling the Vacant Position of Deputy Clerk III to Deputy Clerk IV

RESOLUTION

A RESOLUTION TO AUTHORIZE RE-TITLING THE VACANT POSITION OF DEPUTY
CLERK III TO DEPUTY CLERK IV

WHEREAS, the Office of the Clerk of the Circuit Court currently has a Deputy Clerk III vacancy; and

WHEREAS, the position of Deputy Clerk III has been reviewed by Springsted Incorporated; and

WHEREAS, Springsted Incorporated has recommended re-titling the position to Deputy Clerk IV; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 11th day of August 2005, That the position title of Deputy Clerk III be, and is hereby, re-titled to Deputy Clerk IV.

A Resolution to Authorize Extending the Planner Career Ladder to Include Planners in the Zoning, Permitting & Inspections Division of Community Development

RESOLUTION

A RESOLUTION TO AUTHORIZE EXTENDING THE PLANNER CAREER
LADDER TO INCLUDE PLANNERS IN THE ZONING, PERMITTING & INSPECTIONS
DIVISION OF COMMUNITY DEVELOPMENT

WHEREAS, a need exists within the Department of Community Development to provide career opportunities as a means of assisting with retention of trained and experienced staff; and

WHEREAS, in October of 2003, a career ladder was established for the Planning Division, which established four career levels for the Planner positions based on detailed criteria (Associate Planner, Planner, Planner II, and Senior Planner); and

WHEREAS, a need exists to extend the same career ladder structure to the Zoning, Permitting and Inspections Division; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 11th day of August 2005, That a career ladder program be, and is hereby, established for the Planner position in Zoning, Permitting and Inspections Division.

A Resolution to Establish the Position of Fire Rescue Safety Officer and Add Position Title to the Fauquier County Classification and Compensation Plan

RESOLUTION

A RESOLUTION TO ESTABLISH THE POSITION OF FIRE RESCUE SAFETY OFFICER AND ADD POSITION TITLE TO THE FAUQUIER COUNTY CLASSIFICATION AND COMPENSATION PLAN

WHEREAS, a need exists to provide service and support to many elements of the fire rescue system including, but not limited to, 285 Scott Airpaks, 800 MHz radio programming, Haz-Mat Meters, and the Identification Card system for the Department of Fire and Emergency Services; and

WHEREAS, the position of Fire Rescue Safety Officer was requested in the FY 2006 budget; and

WHEREAS, the position of Fire Rescue Safety Officer has been reviewed by Springsted Incorporated; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2005, That the position of Fire Rescue Safety Officer be, and is hereby, established and the title added to the Fauquier County Classification and Compensation Plan.

A Resolution to Designate a Section of Route 602 (Rogues Road) a Rural Rustic Road, Cedar Run District

RESOLUTION

A RESOLUTION TO DESIGNATE A SECTION OF ROUTE 602 (ROGUES ROAD) A RURAL RUSTIC ROAD

WHEREAS, during the 2003 session of the General Assembly, legislation was passed to revise §33.1-70.1 of the Code of Virginia, to allow for the improvement and hard surfacing of certain unpaved roads deemed to qualify for and be designated Rural Rustic Roads; and

WHEREAS, such roads must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd) and have no more than 500 vpd; and

WHEREAS, the Fauquier County Board of Supervisors is unaware of pending development that will significantly affect the existing traffic on the road; and

WHEREAS, the citizens that utilize this road have been aware of this road being paved with minimal improvements; and

WHEREAS, the Board believes Route 602 (Rogues Road) should be designated a Rural Rustic Road, from Route 649 to the end of State Maintenance owing to its qualifying characteristics; and

WHEREAS, Route 602 is in the Board's Six-Year Plan for improvements to its secondary system of State highways; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2005, That the Board of Supervisors does hereby designate and request the Virginia Department of Transportation's Resident Administrator to concur that the aforesaid road is a Rural Rustic Road; and, be it

RESOLVED FURTHER, That the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state; and, be it

RESOLVED FINALLY, That a certified copy of this resolution shall be forwarded to the Resident Administrator for the Virginia Department of Transportation.

A Resolution to Designate Route 790 (Boteler Road) a Rural Rustic Road, Cedar Run District

RESOLUTION

A RESOLUTION TO DESIGNATE ROUTE 790 (BOTELER ROAD)
A RURAL RUSTIC ROAD

WHEREAS, during the 2003 session of the General Assembly, legislation was passed to revise §33.1-70.1 of the Code of Virginia, to allow for the improvement and hard surfacing of certain unpaved roads deemed to qualify for and be designated Rural Rustic Roads; and

WHEREAS, such roads must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd) and have no more than 500 vpd; and

WHEREAS, the Fauquier County Board of Supervisors is unaware of pending development that will significantly affect the existing traffic on the road; and

WHEREAS, the citizens that utilize this road have been aware of this road being paved with minimal improvements; and

WHEREAS, the Board believes Route 790 (Boteler Road) should be designated a Rural Rustic Road, from Route 642 (Old Calverton Road) to the end of State Maintenance owing to its qualifying characteristics; and

WHEREAS, Route 790 is in the Board's Six-Year Plan for improvements to its secondary system of State highways; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2005, That the Board of Supervisors does hereby designate and request the Virginia Department of Transportation's Resident Administrator to concur that the aforesaid road is a Rural Rustic Road; and, be it

RESOLVED FURTHER, That the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state; and, be it

RESOLVED FINALLY, That a certified copy of this resolution shall be forwarded to the Resident Administrator for the Virginia Department of Transportation.

Ambler Vale Subdivision (Lot 7): Preliminary Plat PPLT05-SC-022, Scott District

No action was taken.

A Resolution to Receive the Rappahannock-Rapidan Community Services Board's FY 2006 Performance Contract with the Department of Mental Health, Mental Retardation, and Substance Abuse Services and the Area Plan for Aging Services and to Authorize the Rappahannock-Rapidan Community Services Board to Act as Its Own Fiscal Agent

RESOLUTION

A RESOLUTION TO RECEIVE THE RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD'S FY 2006 PERFORMANCE CONTRACT WITH THE DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION, AND SUBSTANCE ABUSE SERVICES AND THE AREA PLAN FOR AGING SERVICES AND TO AUTHORIZE THE RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD TO ACT AS ITS OWN FISCAL AGENT

WHEREAS, in June 2005, the Rappahannock-Rapidan Community Services Board adopted the 2006 Performance Contract with the Department of Mental Health, Mental Retardation, and Substance Abuse Services and the Area Plan for Aging; and

WHEREAS, subsequent to changes in the Code of Virginia 37.1-197 (A, 17), the Rappahannock-Rapidan Community Services Board seeks authorization to act as its own fiscal agent; and

WHEREAS, Fauquier County has received a request from the Community Services Board that it endorse the Contract and Plan by either approving both documents or acknowledging that the Board of Supervisors participated in the review process and has no further additional comments; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2005, That the Fauquier Board of Supervisors does hereby receive the FY 2006 Rappahannock-Rapidan Community Services Board's Performance Contract with the Department of Mental Health, Mental Retardation, and Substance Abuse Services and the 2006 Area Plan for Aging Services, and acknowledges that Fauquier County participated in the review process and has no additional comments regarding the Contract or Plan; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors does hereby authorize the Rappahannock-Rapidan Community Services Board to act as its own fiscal agent.

A Resolution Directing the County Administrator to Schedule a Public Hearing on the Proposed Rezoning of Four Acres of Land Currently Owned by Jeffrey D. and Mary E. Lippincott, More Particularly Described as PIN #7916-10-1466, from Residential-1 (R-1) to Commercial (C-1), Scott District

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING ON THE PROPOSED REZONING OF FOUR ACRES OF LAND CURRENTLY OWNED BY JEFFREY D. AND MARY E. LIPPINCOTT, MORE PARTICULARLY DESCRIBED AS PIN # 7916-10-1466, FROM RESIDENTIAL-1 (R-1) TO COMMERCIAL (C-1)

WHEREAS, Jeffrey D. and Mary E. Lippincott (applicants) initiated a request to rezone four acres from Residential-1 (R-1) to Commerical-1 (C-1) to accommodate a post office; and

WHEREAS, the applicants filed an application to amend the Fauquier County Zoning Ordinance in accordance with the provisions of Article 13-202; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on January 25, 2001, regarding the rezoning request; and

WHEREAS, the Fauquier County Planning Commission unanimously recommended approval of the rezoning request subject to the following issues being addressed:

1. Provision for a proportionate share contribution toward the construction of the proposed roundabout intersection at Broad Run Church Road and Riley Road.

2. Commit to the location of the post office site entrance(s) from Riley Road;
and

WHEREAS, on February 20, 2001, the Board of Supervisors held a public hearing on the rezoning request; and

WHEREAS, after holding its public hearing, the Board of Supervisors, at the request of the applicants, tabled consideration of the matter pending determination from the United States Postal Service of its Post Office facility plan review for a New Baltimore branch; and

WHEREAS, by letter of July 1, 2005, the United States Postal Service informed the Board of Supervisors that it has restarted the project to acquire the four acre tract from Jeffrey and Mary Lippincott for a new post office and, as a result, the Board of Supervisors is being requested to reactivate the rezoning request; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2005, That the County Administrator be, and is hereby, directed to schedule a public hearing on the proposed rezoning of four acres of land currently owned by Jeffrey D. and Mary E. Lippincott, more particularly described as PIN #7916-10-1466, from Residential-1 (R-1) to Commercial (C-1).

A Resolution to Establish Salary Supplements for the Fauquier County Constitutional Officers

RESOLUTION

A RESOLUTION TO ESTABLISH SALARY SUPPLEMENTS FOR THE FAUQUIER
COUNTY CONSTITUTIONAL OFFICERS

WHEREAS, the Board of Supervisors annually determines the salary supplements for the Fauquier County Constitutional Officers in accordance with the previously executed Agreement between the Constitutional Officers and the Board of Supervisors; and

WHEREAS, in consideration of the salary supplements, the Constitutional Officers have agreed that they and their employees will abide by the County's Finance, Personnel, Procurement and other policies and procedures; and

WHEREAS, it is proposed that the Board of Supervisors adopt a salary supplement effective July 1, 2005, through December 31, 2007; and

WHEREAS, adoption of salary supplements for that time period will result in certainty on the part of the Board of Supervisors and the Constitutional Officers regarding the level of supplement for the Constitutional Officers for the remainder of the term of this Board and the remainder of the term of all of the Constitutional Officers; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2005, That annual monetary compensation of the Constitutional Officers for the period from July 1,

2005, through December 31, 2007, shall receive the same percentage increase given to employees for that year who meet the “exceeds standards” merit pay rating; and, be it

RESOLVED FURTHER, That not withstanding the foregoing paragraph, the Commissioner of the Revenue shall receive a salary supplement in the amount necessary to make his total salary equivalent to that of the Treasurer for the period from July 1, 2005, until the Commissioner receives an increase from the State Compensation Board for completing the Commissioner of the Revenue certification process; and, be it

RESOLVED FURTHER, That the County’s salary supplement for the Sheriff shall be adjusted to result in a total salary for FY 2006, from the combined Compensation Board salary and County supplement, of \$96,000; and, be it

RESOLVED FURTHER, That it is the intention of the Board of Supervisors that any salary increases received from the State Compensation Board throughout the period that the County supplements shall be in effect, shall be used to offset in full or in part the County’s supplement; and, be it

RESOLVED FINALLY, That the Constitutional Officers’ salary supplements shall be retroactive to July 1, 2005, and that any past due amount shall be paid forthwith.

A RESOLUTION TO AMEND THE DEBT REFERENDUM POLICY

Mr. Graham moved to postpone the decision on a proposed resolution to amend the Debt Referendum Policy until the Board’s next regular meeting on September 8, 2005. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A SECOND CONDITIONAL DISTRIBUTION AGREEMENT WITH THE PAUL MELLON ESTATE FOR THE CONSTRUCTION OF THE NORTHERN SPORTS COMPLEX AND COMMUNITY PARK

Mr. Downey moved to adopt the following resolution. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A
SECOND CONDITIONAL DISTRIBUTION AGREEMENT WITH THE PAUL MELLON
ESTATE FOR THE CONSTRUCTION OF THE NORTHERN SPORTS COMPLEX AND
COMMUNITY PARK

WHEREAS, on February 19, 2002, the Board of Supervisors adopted a resolution authorizing the County Administrator to enter into a Conditional Distribution Agreement (“Prior Agreement”) with the Paul Mellon Estate for purposes of development and construction of a Northern Sports Complex and Community Park; and

WHEREAS, under the Prior Agreement, the Board agreed to develop the complex in accordance with a specified plan within two years of its receipt of the Distribution; and

WHEREAS, due to unforeseen circumstances, the complex was not developed in accordance with the Prior Agreement; and

WHEREAS, the Board of Supervisors and the Mellon Executors intend this Second Agreement to supersede and replace the Prior Agreement in its entirety; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2005, That the Fauquier County Administrator be, and is hereby, authorized to execute the Second Agreement of Conditional Distribution with the Paul Mellon Estate.

**A RESOLUTION TO AWARD A CONSTRUCTION CONTRACT FOR PURPOSES OF
CONSTRUCTING BUILDINGS AT THE NORTHERN SPORTS COMPLEX AND
COMMUNITY PARK**

Mr. Downey moved to adopt the following resolution. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO AWARD A CONSTRUCTION CONTRACT FOR PURPOSES OF
CONSTRUCTING BUILDINGS AT THE NORTHERN SPORTS FIELD COMPLEX AND
COMMUNITY PARK

WHEREAS, Fauquier County has requested proposals for site construction at the Northern Sports Field Complex and Community Park; and

WHEREAS, the Northern Sports Field Complex and Community Park is a critical component of the County's Parks and Recreation Master Plan; and

WHEREAS, Fauquier County has received and evaluated one (1) building construction proposal; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2005, That the Board of Supervisors does hereby award the building construction contract for the Northern Sports Field Complex and Community Park to Miller Brothers, Inc., in the amount of \$3,737,777.09; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to execute the contract for this proposal.

A RESOLUTION TO AWARD A CONSTRUCTION CONTRACT FOR PROJECT CONSTRUCTION MANAGEMENT SERVICES FOR THE NORTHERN SPORTS COMPLEX AND COMMUNITY PARK

Mr. Downey moved to adopt the following resolution. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR CONSTRUCTION MANAGEMENT SERVICES AT THE NORTHERN SPORTS FIELD COMPLEX AND COMMUNITY PARK

WHEREAS, Fauquier County has requested proposals for construction management services at the Northern Sports Field Complex and Community Park; and

WHEREAS, the Northern Sports Field Complex and Community Park is a critical component of the County's Parks and Recreation Master Plan; and

WHEREAS, Fauquier County has received and evaluated nine (9) construction management services proposals; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2005, That the Board of Supervisors does hereby award the construction management services contract for the Northern Sports Field Complex and Community Park to Alpha Corporation of Dulles, Virginia in an amount not to exceed \$231,280; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to execute the contract for this proposal.

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR SITE WORK CONSTRUCTION AT THE NORTHERN SPORTS FIELD COMPLEX AND COMMUNITY PARK

Mr. Downey moved to adopt the following resolution. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR SITE WORK
CONSTRUCTION AT THE NORTHERN SPORTS FIELD COMPLEX
AND COMMUNITY PARK

WHEREAS, Fauquier County has requested proposals for site construction at the Northern Sports Field Complex and Community Park; and

WHEREAS, the Northern Sports Field Complex and Community Park is a critical component of the County's Parks and Recreation Master Plan; and

WHEREAS, Fauquier County has received and evaluated two (2) site construction proposals; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2005, That the Board of Supervisors does hereby award the site construction contract for the Northern Sports Field Complex and Community Park to S.W. Rodgers Company, Inc. in the amount of \$8,719,817.33; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to execute the contract for this proposal.

A RESOLUTION APPROVING THE FILING OF AN APPLICATION WITH THE VIRGINIA PUBLIC SCHOOL AUTHORITY FOR A LOAN IN AN APPROXIMATE PRINCIPAL AMOUNT OF \$13,210,000

Mr. Graham moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

At a regular meeting of the Board of Supervisors of Fauquier County, Virginia, held on the 11th day of August 2005, at the time and place established by such Board for its regular meetings, at which the following members were present and absent during the voting for the resolution referred to below:

PRESENT: Harry F. Atherton, Marshall District
 William G. Downey, Scott District
 Raymond E. Graham, Cedar Run District
 Richard W. Robison, Center District
 Chester W. Stribling, Lee District

ABSENT: None

the following resolution was adopted by the affirmative roll call vote of a majority of all members of the Board of Supervisors, the ayes and nays being recorded in the minutes of the meeting as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Harry F. Atherton, Marshall District	Aye
William G. Downey, Scott District	Aye
Raymond E. Graham, Cedar Run District	Aye
Richard W. Robison, Center District	Aye
Chester W. Stribling, Lee District	Aye

**RESOLUTION APPROVING THE FILING OF AN APPLICATION WITH THE VIRGINIA
 PUBLIC SCHOOL AUTHORITY FOR A LOAN IN AN APPROXIMATE PRINCIPAL
 AMOUNT OF \$13,210,000**

WHEREAS, the Board of Supervisors (the "Board") of Fauquier County, Virginia, (the "County"), in collaboration with the Fauquier County School Board, has determined that it is necessary and desirable for the County to finance certain school capital improvements, including without limitation Claude Thompson Elementary School facility improvements, Liberty High School HVAC upgrades, and renovation of Cedar Lee Middle School; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2005, That the Board hereby approves the filing of an application with the Virginia Public School Authority for a loan to the County in an approximate principal amount of \$13,210,000 to finance the Project; and, be it

RESOLVED FURTHER, That the County Administrator, in collaboration with the other officers of the County and the Fauquier County School Board, is hereby authorized and directed to complete an application and deliver it to the Virginia Public School Authority.

The undersigned Clerk of the Board of Supervisors of Fauquier County, Virginia, certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the Board held on the 11th day of August 2005, and of the whole thereof so far as applicable to the matters referred to in such extract.

WITNESS my signature and the seal of the Board of Supervisors of Fauquier County, Virginia, this 11th day of August, 2005.

Paul S. McCulla
Clerk to the Board of Supervisors
Fauquier County, Virginia

**A RESOLUTION ADOPTING A PROPOSED TEXT AMENDMENT TO CHAPTER 10 –
TRANSPORTATION OF THE FAUQUIER COUNTY COMPREHENSIVE PLAN**

Mr. Stribling moved to adopt the following resolution. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION ADOPTING A PROPOSED TEXT AMENDMENT TO
CHAPTER 10 – TRANSPORTATION, OF THE FAUQUIER COUNTY
COMPREHENSIVE PLAN

WHEREAS, Fauquier County has periodically reviewed and updated the County Comprehensive Plan; and

WHEREAS, on July 29, 2004, and February 17, 2005, the Planning Commission conducted public hearings on its proposed update of Chapter 10, entitled Transportation, of the Comprehensive Plan; and

WHEREAS, the objective was to update this Chapter, since all Service District Plans and their associated transportation elements have been revised and adopted; and

WHEREAS, on February 17, 2005, the Fauquier County Planning Commission forwarded the referenced text amendment to the Comprehensive Plan to the Board of Supervisors with a unanimous recommendation that it be adopted; and

WHEREAS, on June 9, 2005, the Board of Supervisors held a public hearing to receive citizens' comments; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2005, That the Board does hereby adopt the Chapter 10 - Transportation text amendment to the Fauquier County Comprehensive Plan, with the revisions noted in the Agenda Request dated August 11, 2005; and, be it

RESOLVED FINALLY, That the following added revisions also be included in the text amendment:

1. **Transportation Plan** (Draft Plan Location: Page 17; Placement: include as last paragraph to the section): It needs to be noted that there are future new road alignments which are partially or entirely located outside the designated service district boundaries. Specifically, these roads include Route 805-Major Collector; Warrenton-Fauquier Airport-Minor Arterial/Freeway connection to Route 17 and the Bealeton Connector, which is proposed to serve as a limited access Freeway connecting Route 17 with U.S. 15/29. Where these proposed alignments are located outside designated Service District boundaries, County policy states that these conceptual roadway corridors do not represent future extension limits of these districts, but only roadway locations. These new corridors are planned to more effectively redirect regional traffic from the communities of Bealeton, Remington and the County airport facility, located in the Midland Service District, to key existing highway routes.
2. **Future Virginia Railway Express and Express Bus Service** (Reference Agenda Request, Item 2; Plan Placement: Page 23; verb addition): The first series of steps over the next five years are to identify costs, ridership fees and supplemental methods to cover expenses, identification of accessible pick-up points, and then **consider** implementation of an express bus service on a trial basis through the Potomac and Rappahannock Transportation Commission (PRTC).

A RESOLUTION AUTHORIZING THE PURCHASE OF 18.7915 ACRES FROM HUMPHREY FAMILY LIMITED PARTNERSHIP FOR THE RUNWAY PROTECTION ZONE FOR THE WARRENTON-FAUQUIER AIRPORT AND APPLICATION FOR AND ACCEPTANCE OF GRANT FUNDS FOR THE PURCHASE

Mr. Graham moved to adopt the following resolution. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION AUTHORIZING THE PURCHASE OF 18.7915 ACRES FROM HUMPHREY FAMILY LIMITED PARTNERSHIP FOR THE RUNWAY PROTECTION

ZONE FOR THE WARRENTON-FAUQUIER AIRPORT AND APPLICATION FOR AND ACCEPTANCE OF GRANT FUNDS FOR THE PURCHASE

WHEREAS, Fauquier County has negotiated a contract for the purchase 18.7915 acres from Humphrey Family Limited Partnership for the Runway Protection Zone for the Warrenton-Fauquier Airport for \$765,000; and

WHEREAS, the County has applied to the Federal Aviation Administration (FAA) and Virginia Department of Aviation (DOAV) for grants to acquire the property; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2005, That the Chairman of the Board of Supervisors and the County Administrator be, and are hereby, authorized to ratify on behalf of the County the contract to purchase 18.7915 acres from Humphrey Family Limited Partnership for the Runway Protection Zone for Warrenton-Fauquier Airport, to execute all documents necessary to purchase the property, and to apply for and accept grant funds from the FAA an DOAV for the purchase.

APPOINTMENTS

By unanimous consent, the following appointment was approved:

- Architectural Review Board – Center District: Kay McDonald, for a four-year term ending August 11, 2009.

SUPERVISORS' TIME

- Mr. Downey said he was looking forward to holding a joint work session with the School Board to discuss school funding and for an update on the third high school site selection process.
- Mr. Robison said that many people in the community are ill or in mourning and he encouraged prayers from the citizens.
- Mr. Stribling reminded the public to remain alert for acts of vandalism and burglary, and he urged citizens to look after their neighbors and to stay involved in their community.
- Mr. Atherton expressed his heartfelt appreciation to the executors of the Paul Mellon Estate for their generous gift of an additional \$4,000,000 for construction of the Northern Sports Field Complex.
- Mr. Graham offered condolences for the death of Edwin M. "Bud" Trenis, Jr., an extremely active member of his community in Catlett. Mr. Graham jested that Congressman Tom Davis had donated to the County 250 Iraqi Dinar to help balance the budget (1 USD = 1471 IQD).

ANNOUNCEMENTS

- Mr. McCulla announced that the Board of Supervisors will hold a joint work session with the Fauquier County School Board on Wednesday, August 17, 2005, at 7:00 p.m. in the School Board's fourth floor conference room, located at 320 Hospital Drive, Warrenton, Virginia.

REZONING #REZN05-CR-004 - SEELEY BROOKFIELD, LLC, OWNER AND SHENANDOAH DEVELOPMENT, LLC, APPLICANT – GREEN SPRINGS

Postponed at the request of the Applicant.

A PUBLIC HEARING TO AMEND SECTION 19-18 OF THE FAUQUIER COUNTY CODE TO AUTHORIZE THE ISSUANCE OF AN ADMINISTRATIVE PERMIT TO PERMIT AN INDIVIDUAL WELL FOR A COMMERCIAL USE WHICH WILL NOT CONSUME MORE THAN 10,000 GALLONS PER DAY IN SERVICE DISTRICTS WHERE CAPACITY IS NOT AVAILABLE BUT IS ANTICIPATED

A public hearing was held to consider an amendment to the Fauquier County Code that would permit a temporary well to be constructed with an administrative permit, provided that the proposed commercial use will not consume more than 10,000 gallons per day and public water is reasonably anticipated to be available within two years. Mr. Atherton summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE TO AMEND SECTION 19-18 OF THE FAUQUIER COUNTY CODE TO AUTHORIZE THE ISSUANCE OF AN ADMINISTRATIVE PERMIT TO PERMIT AN INDIVIDUAL WELL FOR A COMMERCIAL USE OF 10,000 GALLONS PER DAY OR LESS WITHIN 300 FEET OF A PUBLIC WATER SUPPLY WHERE CAPACITY IS NOT AVAILABLE BUT IS ANTICIPATED TO BE AVAILABLE WITHIN TWO YEARS

WHEREAS, Section 19-18 of the County Code currently authorizes permits for individual wells within 300 feet of a waterline where the service provider lacks capacity only by special exception; and

WHEREAS, the Board of Supervisors, after due notice and public hearing, has determined that it is in the best interest of the health, safety, and welfare of the citizens of Fauquier County to permit construction of a temporary well for a commercial use on an existing lot where the proposed use will not consume in excess of 10,000 gallons per day by

administrative permit, if capacity is reasonably anticipated in the public water supply within two years; now therefore, be it

ORDAINED, by the Fauquier County Board of Supervisors this 11th day of August 2005, That Section 19-18 of the Code of Fauquier County be, and is hereby, amended to provide for an administrative permit under the circumstances set forth in the amended Ordinance, which Section shall read as follows:

Sec. 19-18. Installation, replacement or repair of individual water systems within three hundred feet of public water supply system.

The owner of any building or structure for which water is required, and for which building permits for such building or structure are issued after April 20, 1982, shall be required to connect such building or structure to approved public water supply system, provided that said building or structure is within three hundred (300) feet of approved public water supply system and that the public water system provider has the necessary capacity to permit the connection. In addition, if any water system is found by the County Health Department to be polluted or not potable, it shall be unlawful for any person to replace or repair any water system, or any part thereof, in any manner to improve its operating conditions, if the public water supply system is within three hundred (300) feet of any building or structure which such water system served; provided, that it not be unlawful to make emergency repairs so as to permit use of the facility pending connection to the public water supply system, provided such connection is made in the most expedient manner, and provided the Health Department is notified of such connection or temporary repairs. It is further provided that the owner of any building or structure for which water is required and which is connected to an approved public water supply system shall not disconnect the building or structure from such public water supply system. If the public water system provider does not have the necessary capacity to permit the connection to the public water system, the landowner may install an individual well upon the grant of a special exception pursuant to section 3-331 of the County Zoning Ordinance. If, however, an owner of an existing single-family residential lot or an existing commercial lot for a use which will not consume more than 10,000 gallons per day can demonstrate that it is reasonably foreseeable that the public water system will have adequate capacity to serve the lot within two years, the owner may obtain an administrative permit to install an individual well upon recordation of an agreement to cease using the individual well for potable water and connect to the public water supply immediately when capacity becomes available. The agreement shall include such other conditions as may be necessary to protect the public water supply. This section shall not be construed to authorize the construction of irrigation wells within 300 feet of an existing water supply with capacity, which is expressly prohibited.

A PUBLIC HEARING TO CONSIDER LEASING PROPERTY LOCATED AT 7252 FIFTH STREET, REMINGTON, VIRGINIA, TO FAUQUIER HOUSING CORPORATION FOR USE AS AN AFFORDABLE RENTAL UNIT

A public hearing was held to consider a proposed lease for property located at 7252 Fifth Street, Remington, Virginia, to Fauquier Housing Corporation for use as an affordable rental unit. In January 2005, the Board of Supervisors authorized the acquisition of property in Remington in order to provide future access to adjoining property of twenty-eight acres that is intended to be improved as a future park. The property includes an existing residential unit that

requires some improvement. Mr. Stribling summarized the proposed lease. No one else spoke. The public hearing was closed. Mr. Stribling moved to adopt the following resolution. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE THE LEASE PROPERTY LOCATED AT 7252 FIFTH STREET, REMINGTON, VIRGINIA, TO FAUQUIER HOUSING CORPORATION FOR USE AS AN AFFORDABLE RENTAL UNIT

WHEREAS, Fauquier County has acquired property in Remington in order to access a future park site; and

WHEREAS, Fauquier County does not anticipate the need for this access within the next five (5) years; and

WHEREAS, Fauquier County wishes to improve and rent the property through a lease with Fauquier Housing Corporation to be available as an affordable rental unit; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2005, That the County Administrator be, and is hereby, authorized to execute the lease of County property located at 7252 Fifth Street, Remington, Virginia.

A PUBLIC HEARING TO CONSIDER PROVIDING ADDITIONAL FUNDING FOR HEATING, VENTILATION AND AIR CONDITIONING (HVAC) MECHANICAL SYSTEMS OF LIBERTY HIGH SCHOOL

A public hearing was held to consider additional funding for the HVAC mechanical systems of Liberty High School. In June 2004, the Board of Supervisors approved \$4,000,000 in additional funding for the Liberty High School HVAC project to improve air quality at that facility. \$769,996 had previously been appropriated for this project. In August 2005, bids were opened for upgrading the HVAC system and they reflected the recent escalating costs of all types of construction and renovation. To fund the HVAC alternative plan, initially requested by the School Division, will now require an additional \$2,100,000. The total cost of the project would be \$6,869,996. Bryan Tippie, Budget Director, summarized the proposed budget amendment. No one else spoke. The public hearing was closed. Mr. Stribling moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling

Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO AMEND THE FY 2006 ADOPTED BUDGET TO PROVIDE AN ADDITIONAL \$2,100,000 FOR UPGRADING THE HEATING, VENTILATION AND AIR CONDITIONING (HVAC) MECHANICAL SYSTEMS OF LIBERTY HIGH SCHOOL

WHEREAS, Fauquier County Board of Supervisors has previously provided \$4,769,996 to improve air quality at Liberty High School; and

WHEREAS, recent bid opening on this project resulted in approximately \$2,100,000 increase in construction and other related costs bringing the total project costs to \$6,869,996; and

WHEREAS, the Board of Supervisors wishes to ensure the most effective use of funds in achieving the needs of the School Division; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2005, That the FY 2006 Budget be, and is hereby, amended in the amount of \$2,100,000; and, be it

RESOLVED FURTHER, That the County Budget Office is directed to take the necessary steps to identify funding source(s) and to ensure all transfers or borrowings are in accordance with established policies.

A PUBLIC HEARING ON PROVIDING ADDITIONAL FUNDING FOR THE RENOVATION OF CLAUDE THOMPSON ELEMENTARY SCHOOL

A public hearing was held to consider additional funding for the renovation of Claude Thompson Elementary School. In March 2003, the Board of Supervisors approved the School Division's request for \$3,144,000 to renovate Claude Thompson Elementary School. Based on a request from the School Division, an additional \$3,650,000 was approved in December 2004. On July 8, 2005, the construction bid for the project was opened and it is estimated that the total cost of the project could now cost \$9,966,000, an increase of \$3,172,000. Bryan Tippie, Budget Director, summarized the proposed budget amendment. Ersaline Anderson, Center District, Howard Latimer, Scott District; Erin Smith, Marshall District; and Duke Bland, Marshall District, spoke in favor of the proposed budget amendment. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolution. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO AMEND THE FY 2006 ADOPTED BUDGET TO PROVIDE AN
ADDITIONAL \$3,172,000 FOR THE RENOVATION OF CLAUDE THOMPSON
ELEMENTARY SCHOOL

WHEREAS, Fauquier County Board of Supervisors has previously provided \$6,794,000 to renovate Claude Thompson Elementary School; and

WHEREAS, recent bid opening on this project resulted in approximately \$3,172,000 increase in construction and other related costs bringing the total project costs to \$9,966,000; and

WHEREAS, the Board of Supervisors wishes to ensure the most effective use of funds in achieving the needs of the School Division; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2005, That the FY 2006 Budget be, and is hereby, amended in the amount of \$3,172,000; and, be it

RESOLVED FURTHER, That the County Budget Office is directed to take the necessary steps to identify funding source(s) and to ensure all transfers or borrowings are in accordance with established policies.

**A PUBLIC HEARING TO CONSIDER AMENDING THE FY 2005 ADOPTED BUDGET
IN THE AMOUNT OF \$691,349 AND FY 2006 ADOPTED BUDGET IN THE AMOUNT
OF \$427,544**

A public hearing was held to consider various budget related issues in the amount of \$691,349 in appropriations for FY 2005, and \$202,522 in appropriations and \$225,022 in transfers for FY 2006, that have been identified for consideration. Bryan Tippie, Budget Director, summarized the proposed budget amendments. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolution. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO AMEND THE FY 2005 ADOPTED BUDGET IN THE AMOUNT OF
\$691,349 AND THE FY 2006 ADOPTED BUDGET IN THE AMOUNT OF \$427,544

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 29, 2004, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2005 Budget and on March 31, 2005, adopted the Fauquier County FY 2006 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, on July 7, 2005, the Finance Committee recommended FY 2005 budget adjustments of \$691,349 and FY 2006 budget adjustments of \$427,544 for the purposes set forth below; and

WHEREAS, on August 11, 2005, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2005, That the FY 2005 Budget be, and is hereby, amended in the amount of \$691,349 and the FY 2006 Budget is hereby amended in the amount of \$427,544 as follows:

Source	FROM Code	Amount	Department	TO Code	Amount
<u>FY 2005</u>					
State Funds	3-100-244100-0150	\$330	Sheriff's Office	4-100-031240-8201	\$330
State Funds	3-100-244100-0150	\$270	Sheriff's Office	4-100-031240-8201	\$270
State Funds	3-100-244100-0150	\$512	Sheriff's Office	4-100-031240-8201	\$512
State Funds	3-100-241000-0051	\$37,000	Social Services	4-100-053130-5722	\$37,000
Local Funds	3-270-189900-0050	\$784	F&RA	4-270-032220-6014	\$784
General Fund	4-100-081600-5687	\$100,290	Budget Office	4-302-072200-8301	\$100,290
General Fund	4-100-091400-9608	\$153,000	Budget Office	4-607-012570-3110	\$153,000
Student Fees	3-270-189900-0050	\$1,804	F&RA	4-270-032250-6012	\$1,804
Student Fees	3-270-189900-0050	\$72	F&RA	4-270-032210-6004	\$72
Reimbursement	3-302-410000-0010	\$9,800	School Division	4-302-066620-8720	\$9,800
State Funds	3-205-242000-0068	\$4,490	School Division	4-205-061100-6013- 300-100	\$4,490
Local Revenue	3-210-161000-0001	\$382,997	Budget Office	4-210-434414-6008	\$382,997

<u>FY 2006</u>					
<u>Fund Balance</u>	4-100-091400-9999	\$26,000	Library	4-302-073100-8308	\$26,000
<u>Carryover</u>	3-100-419000-0010	\$33,000	Library	4-100-073100-6047	\$33,000
	3-100-419000-0010	\$10,000		4-100-073100-3160	\$10,000
	3-100-419000-0010	\$4,684		4-100-073100-3310	\$4,684
<u>Carryover</u>	3-220-419000-0010	\$47,135	WFJCC	4-220-031410-8205	\$46,175
				4-220-031410-5230	\$960
<u>F&RA Funds</u>	4-270-093100-9302	\$68,703	F&ES	4-100-032420-1101	\$68,703
<u>State Funds</u>	3-100-244100-0070	\$13,000	F&ES	4-100-032420-1302	\$13,000
General Funds (Transfer)	4-100-051100-5610	\$25,022	Budget Office	4-100-051100-1301	\$20,837
				4-100-051100-2100	\$1,591
				4-100-051100-2310	\$2,357
				4-100-051100-2720	\$237
<u>F&RA Funds</u> (Transfer)	4-270-093100-9302	\$200,000	F&RA	4-270-032200-5647	\$200,000
<u>TOTAL</u>		<u>\$1,118,893</u>			<u>\$1,118,893</u>

PROPOSED TEXT AMENDMENT TO THE ZONING AND SUBDIVISION ORDINANCE – SET BACK REQUIREMENTS FOR COMMERCIAL USES

A public hearing was held to consider a proposed Zoning Ordinance Text Amendment to Section 3-404 to modify the C-1/Commercial Neighborhood zoning district regulations in order to provide flexibility in set back requirements for commercial uses. Todd Benson, Assistant Zoning Administrator, summarized the proposed text amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 3-404 TO MODIFY FRONT YARD REQUIREMENTS IN THE C-1/COMMERCIAL ZONING DISTRICT

WHEREAS, on June 30, 2005, the Planning Commission held a public hearing on this issue and forwarded the proposed text amendment to the Board of Supervisors with a unanimous vote recommending its adoption; and

WHEREAS, on August 11, 2005, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with public convenience, general welfare, and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 11th day of August 2005, That Section 3-404 be, and is hereby, amended by adding a new footnote 17 as follows:

C-1

3-404 Minimum Front Yard (Ft.) ^{4, 10, 11, 12, ~~17~~}

Conventional

- | | | |
|----|--------------------|-----|
| 1. | Local Collector | 55' |
| 2. | Major Collector | 70' |
| 3. | Major Thoroughfare | 85' |

17. A reduction in the front yard setback for commercial buildings may be approved by the Zoning Administrator in conjunction with site plan review and approval, by the Board of Supervisors when approving a special exception, or the Board of Zoning Appeals when approving a Special Permit provided that the approving authority finds that:

- A. the setback provided is consistent with older, established buildings in the immediate area;
- B. the setback is consistent with any design guidelines or requirements established by the Comprehensive Plan, if any such guidelines or requirements exist;
- C. sufficient area is provided to accommodate construction requirements, including drainage; and
- D. sufficient area is provided to accommodate a full streetscape along the street, to include sidewalks and street trees, where appropriate.

PROPOSED TEXT AMENDMENT TO THE ZONING AND SUBDIVISION ORDINANCE – ACCESSORY STRUCTURES

A public hearing was held to consider a proposed Zoning Ordinance Text Amendment to Section 6-101 to allow accessory structures to be placed on the property not hosting a primary use when such property is one of several adjacent lots used as one place of residence. Todd Benson, Assistant Zoning Administrator, summarized the proposed text amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 6-101 TO ALLOW ACCESSORY STRUCTURES TO BE PLACED ON THE PROPERTY NOT HOSTING A PRIMARY USE WHEN SUCH PROPERTY IS ONE OF SEVERAL ADJACENT LOTS USED AS ONE PLACE OF RESIDENCE

WHEREAS, on June 30, 2005, the Planning Commission held a public hearing on this issue and forwarded the proposed text amendment to the Board of Supervisors with a unanimous vote recommending its adoption; and

WHEREAS, on August 11, 2005, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with public convenience, general welfare, and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 11th day of August 2005, That Section 6-101 be, and is hereby, amended as follows:

6-101

Accessory uses and structures are permitted in any zoning district, unless qualified below, but only in conjunction with, incidental to, and on the same lot with a principal use or structure which is permitted within such district. **Notwithstanding the above, when several adjacent lots are used as one place of residence, accessory structures may be placed on the property provided all other standards are met.**

PROPOSED TEXT AMENDMENT TO THE ZONING AND SUBDIVISION ORDINANCE – NOISE STANDARDS

A public hearing was held to consider a proposed Zoning Ordinance Text Amendment to Table 1 of Article 9 and Sections 9-701 through 9-705 to delete current noise standards and replace with new noise standards. Todd Benson, Assistant Zoning Administrator, summarized the proposed text amendment. Brenda Moorman, Marshall District; Lindsay Hart, Marshall District; and Veronica Smith, Marshall District; spoke in support of the proposed text amendment. Mike Bridges, Cedar Run District; Bob Rankin, Scott District; and Elden Ray, Center District; spoke in opposition to the proposed text amendment. No one else spoke. Mr. Downey moved to continue the public hearing and postpone a decision on the matter for up to 60

days. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

COMPREHENSIVE PLAN AMENDMENTS - WARRENTON SERVICE DISTRICT

A public hearing was held to consider proposed amendments to the Comprehensive Plan Chapter 6, Warrenton Service District Plan. Rick Carr, Director of Community Development, summarized the proposed amendment. Wendy Campbell, Marshall District; Randy Anderson, Marshall District; Scott Shaffer, Center District; Mark Nesfeder, Center District; Jan Hamilton, Marshall District; Elden Ray, Center District; Joseph Sholey, Marshall District; Harry Drew, Marshall District; Karen Eastman, Center District; Jack Quinn, Center District; Steve Rady, Center District; Dorothy Kingston, Marshall District; John Killfeather, Marshall District; Serena Treworge, Marshall District; Rick Harrison, Center District; David Base, Marshall District; Merle Fallon, Developer of Gold Cup and Silver Cup subdivisions; Nancy Daggett, Marshall District; Chris Yates, Center District; Liz Goudierre, Marshall District; Donielle Rininger, Marshall District; Linda Martin, Center District; and Doug Campbell, Marshall District; spoke in opposition to the connector road proposed in the comprehensive plan amendment. Irvin Woods, Marshall District, asked the Board to keep the proposed bypass away from Route 688 in Hume. John Mayhugh, Center District, former Chair of the Planning Commission for the Town of Warrenton, spoke in support of the comprehensive plan amendment. Tom Harris, Center District, stated he is a member of the Warrenton Service District Planning Committee and offered to explain how the collector road concept was developed. Mr. Robison read a letter from Carl Zimmer, Center District, opposing the connector road proposed in the comprehensive plan amendment. No one else spoke. The public hearing was closed. Mr. Robison moved to postpone a decision on the matter until the next regular Board of Supervisors meeting on September 8, 2005. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

PROPOSED AMENDMENT TO LEASE OF PROPERTY TO BIRMINGHAM GREEN ASSISTED LIVING, INC. AND BIRMINGHAM GREEN ADULT DISABILITY SERVICES, INC.

A public hearing was held to consider dedication of right-of-way, grant of easements, approval of the execution of a subdivision deed and plat, and revisions to two leases of the following parcels of land to Birmingham Green Assisted Living, Inc. and Birmingham Green Adult Disability Services, Inc., for the purpose of building supportive housing for the elderly and

disabled. The amendments reflect reduction to and changes in the leased area and revisions requested by the Department of Housing and Urban Development: PIN 7896-13-7792 located at 8599 Centreville Road, Manassas, Virginia; and PIN 7896-13-2835 located at 8605 Centreville Road, Manassas, Virginia. Kevin J. Burke, County Attorney, summarized the proposed lease amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO EXECUTE A LEASE AMENDMENT WITH BIRMINGHAM GREEN ASSISTED LIVING, INC. AND BIRMINGHAM GREEN ADULT DISABILITY SERVICES, INC.

WHEREAS, the five jurisdictions which own Birmingham Green have proposed to amend the existing lease of the property to permit Birmingham Green Assisted Living, Inc. and Birmingham Green Adult Disability Services, Inc., to build supportive housing for the elderly and disabled; and

WHEREAS, the localities are authorized, in accordance with Section 15.2-1800B of the Code of Virginia, to lease the land for any public use and to grant interests in real property; and

WHEREAS, as required by law, the Board of Supervisors held a public hearing on the proposed property leases, grant of easements, dedication of right-of-way, and the execution of a deed and plat of subdivision; and

WHEREAS, by adoption of this resolution, the Board of Supervisors has determined it to be in the best interest of the citizens of Fauquier County to enter into the lease amendments with Birmingham Green Assisted Living, Inc. and Birmingham Green Adult Disability Services, Inc., grant the easements and right-of-way related to the project, execute the deed and plat of subdivision, and such other documents as may be required; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2005, That the Chairman of the Board of Supervisors and the County Administrator be, and are hereby, authorized to execute on behalf of the County the amended leases to Birmingham Green Assisted Living, Inc. and Birmingham Green Adult Disability Services, Inc. to grant proposed easements, to dedicate proposed right-of-way, to execute a plat and deed of subdivision, and to execute such other documents as may be necessary to permit the proposed project.

With no further business, the meeting was adjourned at 8:48 P.M., to reconvene on August 17, 2005.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on August 11, 2005.

Paul S. McCulla
Clerk to the Board of Supervisors